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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	CR 07-00024
)	
Plaintiff,	)	STIPULATION AND
	)	[PROPOSED] ORDER CONTINUING
v.	)	CASE AND EXCLUDING TIME UNDER
	)	THE SPEEDY TRIAL ACT,
XI JAMES ZHANG,	)	18 U.S.C. § 3161
)	
Defendant.)	

This matter came before the Court on February 1, 2007 for an initial status conference and arraignment on the Information that was filed in this case. The Court set the next court date for March 12, 2007 at 9:00 a.m. for a status or disposition before Judge Whyte. At that time, the parties agreed to exclusion of time under the Speedy Trial Act. Subsequently, counsel for the government, Assistant U.S. Attorney Shawna Yen, was notified that the Ninth Circuit had scheduled oral argument for March 12, 2007 on one of her cases.

The parties hereby stipulate that the March 12, 2007 court date be continued to March 19, 2007 at 9:00 a.m. for status or disposition before the Honorable Ronald M. Whyte.

The parties hereby stipulate that the period of time from February 1, 2007 through and including March 19, 2007 shall be excluded from the period of time within which trial must

1 commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to Title 18, United
2 States Code, Sections 3161(h)(1)(F) and 3161(h)(8)(A), considering the factors set forth in
3 Section 3161(h)(8)(B). The parties agree that the ends of justice served by this continuance
4 outweigh the best interests of the public and the defendant in a speedy trial for the following
5 reasons: Although the parties expect that this case will likely resolve, defense counsel needs the
6 additional time to examine any potential issues raised by the recent case of United States v.
7 Ziegler, 474 F.3d 1184 (9th Cir. 2007), prior to having his client enter the plea agreement. In
8 addition, March 19, 2007 is the first date on which both parties will be available. Accordingly,
9 the additional time is needed for the effective preparation of counsel and for continuity of
10 counsel.

11
12 Dated: February 26, 2007

_____/S/_____
SHAWNA YEN
Assistant U.S. Attorney

13
14
15 Dated: February 26, 2007

_____/S/_____
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	CR 07-00024 RMW
)	
Plaintiff,	)	PROPOSED ORDER CONTINUING
	)	CASE AND EXCLUDING TIME UNDER
v.	)	THE SPEEDY TRIAL ACT,
	)	18 U.S.C. § 3161
XI JAMES ZHANG,)	
)	
Defendant.)	
)	

This matter came before the Court on February 1, 2007 for an initial appearance and arraignment on the Information that was filed in this case. Counsel for the government and the defendant were present. The Court set the next court date for March 12, 2007 at 9:00 a.m. for a status or disposition before Judge Whyte. At that time, the parties agreed to exclusion of time under the Speedy Trial Act.

The parties subsequently submitted a stipulation to continue the next court date to March 19, 2007 at 9:00 a.m. for a status or disposition before Judge Whyte, and for an exclusion of time until March 19, 2007, given that counsel for the government, Assistant U.S. Attorney Shawna Yen, was just notified that the Ninth Circuit had scheduled oral argument on one of her cases on

1 March 12, 2007.

2 Based on the stipulation of the parties, and for good cause shown, the Court hereby rules
3 as follows:

4 IT IS HEREBY ORDERED that this case is continued to March 19, 2007 at 9:00 a.m. for
5 a status or disposition before the Honorable Ronald M. Whyte.

6 IT IS FURTHER ORDERED that the period of time from February 1, 2007 through and
7 including March 19, 2007 shall be excluded from the period of time within which trial must
8 commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to Title 18, United
9 States Code, Sections 3161(h)(1)(F) and 3161(h)(8)(A), considering the factors set forth in
10 Section 3161(h)(8)(B). The Court finds that the ends of justice served by this continuance
11 outweigh the best interests of the public and the defendant in a speedy trial for the following
12 reasons: Although the parties expect that this case will likely resolve, defense counsel needs the
13 additional time to examine any potential issues raised by the recent case of United States v.
14 Ziegler, 474 F.3d 1184 (9th Cir. 2007), before having his client enter the plea agreement. In
15 addition, the March 19, 2007 date is the first date at which both parties will be available.
16 Accordingly, the additional time is needed for the effective preparation of counsel and for
17 continuity of counsel.

18 IT IS SO ORDERED.

19 Dated this 6th day of March 2007.

20 
21 _____
Howard R. Lloyd
United States Magistrate Judge

22 Copies to be served on:

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24 Assistant U.S. Attorney
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